

FILED

AUG 15 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLE RENEE WALDHALM,

Defendant.

CR-06-65-BLG-DWM

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On July 24, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the July 11, 2013 petition for revocation of Waldhaldm's supervised release. Doc. 61. Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed.R.Crim.P. 59(b)(2). But consistent with this Court's "full authority" to review the Findings and Recommendations under any

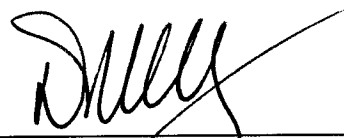
standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1985) this Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Waldham’s admissions to violating the conditions of her supervised release, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court sentence Waldham to 11 months incarceration, followed by 30 months supervised release.

I find no clear error in Judge Ostby’s Findings and Recommendation (doc. 61) and I adopt them in full.

Accordingly, IT IS ORDERED that Nicole Renee Waldham’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 15th day of August, 2013.



Donald W. Molloy, District Judge
United States District Court